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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------|---------------------|------------------|
| 10/601,461      | 06/23/2003  | Robert Phillip Griffiths | 9764-15US (12448)   | 7611             |

570 7590 02/15/2005

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ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA, PA 19103-7013

EXAMINER

REDMAN, JERRY E

ART UNIT PAPER NUMBER

3634

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/601,461

Applicant(s)

GRIFFITHS ET AL.

Examiner

Jerry Redman

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 13-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/24/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3634

Applicant's election without traverse of Group II-Figures 12-20 which read on claims 1-12 in the reply filed on 11/24/2004 is acknowledged. Claims 13-22 are hereby withdrawn from further consideration.

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The proposed drawing correction dated 11/24/2004 has been approved by the Examiner.

The applicant's information disclosure statement dated 9/24/2003 has been approved and a copy has been placed in the file.

The abstract is objected to as having "means" phraseology which fails to positively describe the applicant's invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 12, the phraseology "engageable to like elongate member units" is not readily understood by the Examiner. Are all of the elongate members units the same or are some different? In claim 1, lines 19-20, the phraseology "the compact boss whereby to pivot" is not readily understood by the

Art Unit: 3634

Examiner. In claim 8, line 3, the phraseology "the modular unit to adjacent like member units" is not readily understood by the Examiner. Are all of the modular units the same or are some different? In claim 12, line 4, the phraseology "or the like" is indefinite and fails to positively recite the claimed invention. There is a lack of antecedent basis for the following: In claim 1, line 16, "the elongate member" and "the reciprocal travel", in lines 18-19, "the reciprocal motion"; and In claim 3, lines 1-5, "the assembled elongate member units".

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.


Claims 1-12 are further rejected under 35 U.S.C. 102(b) as being anticipated by Givoni. Givoni discloses a shutter assembly having a plurality of modular units including an elongate member unit stackable (12 and 64) and engaging an adjacent elongate member unit (12' and 64') attached together (fasteners seen in Figure 15) as joinable half components forming a housing, a support (72 and 72'), a shutter blade (6), a compact boss having male members (62C, 62B, 62A-having a head member with a gear 58), a motorized turning means (8, a motor which has environmental sensors, column 7, lines 38-43), and engagement means (78) having snap lock locators (column 5, lines 34-37) wherein upon sensing the turning means rotates to drive the elongate member unit (64 and 64') which moves linearly and thereby drivingly rotating each

Art Unit: 3634

shutter blade (6) between two positions. Japanese patent #54-121542 discloses a shutter assembly having two halves forming a housing similar to that of the applicant's invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Buckwalter et al. disclose stackable-framed components similar to that of the applicant's invention. U.S. patent to Webb et al. discloses an environmental sensor which automatically moves the shutter between open and closed positions.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.



Jerry Redman  
Primary Examiner